

## REMARKS

This Response is submitted in reply to the Office Action dated January 22, 2010 in conjunction with the enclosed Request for Continued Examination. Claims 7 to 17 are pending in the present application. Claims 7 to 17 are hereby amended. Claims 7, 8 and 11 to 13 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 7 to 13 and 15 to 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,216,231 to Gehrmann (“Gehrmann”). In view of the amendments made herein, Applicant disagrees with these rejections.

Gehrmann discloses a system for establishing a wireless communication link. The Abstract of Gehrmann discloses:

A method of establishing a secure communications link between a user communications device and a first service communications device; the method comprises the steps of initiating a communications link using a first communications protocol between the user communications device and the first service communications device; performing, based on a PIN value, an initialisation procedure between the user communications device and the first service communications device, the initialisation procedure resulting in an identification key; storing the identification key in the user communications device and the first service communications device; the method is characterised in that it further comprises the steps of using a second communications protocol to perform a transaction between the user communications device and a second service communications device; generating and storing the PIN value; the invention further relates to a communications system and a mobile communications device.

Applicant submits the communication system of Gehrmann includes “exchanging a first identification key via a first communications protocol between the user communications device and a selected one of the first service communications device and a second service communications device.” (Gehrmann, Column 2, lines 62 to 65). It appears that the Office

Action would interpret the Gehrman's first identification key as the identification information of Claim 7. Applicant submits that "exchanging a first identification key via a first communications protocol between the user communications device and a selected one of the first service communications device and a second service communications device" does not disclose acquisition means for acquiring identification information formed by a random number of the second communication apparatus. That is, unlike the communication system of Claim 7, Gehrman does not anticipate or render obvious (without improper hindsight reconstruction) "acquisition means for acquiring identification information formed by a random number of the second communication apparatus."

No new matter has been added by such amendments. Support for the amendments can be found in the Specification, for example, in at least paragraphs [0067] to [0069] and [0111].

For at least these reasons, it is respectfully submitted that independent Claim 7 is patentably distinguished over Gehrman and in condition for allowance. Independent Claims 8 and 11 to 13 each include certain similar elements to independent Claim 7. For reasons similar to those discussed above with respect to independent Claim 7, independent Claims 8 and 11 to 13 (and dependent Claims 9, 10 and 14 to 17) are each patentably distinguished over Gehrman and in condition for allowance.

The Office Action rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gehrman in view of U.S. Patent Publication No. 2004/0193402 to Nolan et al. ("Nolan"). Applicant respectfully submits that the patentability of Claim 13 renders this rejection moot.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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